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By Linda A. Timura Date March 10/2005
Linda A. Timura

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor(s): Kee Siang Goh et al. Group Art Unit: 2826

Serial No.: 10/649,094 Examiner: Tan N. Tran

Filed: 26 August 2003

Title: *Light-Emitting Diode Incorporating Gradient Index Element*

Atty Docket: 70030427

ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria
VA 22313-1450

Sir:

In response to the Official Action dated 9 February 2005, the applicants elect Invention I with traverse. Claims 1-13, 18, 20, 21 and 23 read on Invention I. The applicants respectfully traverse the restriction requirement on the grounds that selection is inherent in providing a GRIN element having a length-to-pitch ratio corresponding to the desired radiation pattern. Moreover, the official action sets forth no prima facie case of distinctiveness between Claims 15, 16, 17, 18, and 22 and Invention I.

Finally, it is not clear to the applicants why certain ones of the method claims 13-22 are deemed to belong to Class 257/98 (incoherent light emitter structure with element (e.g., lens, optical fiber, index of refraction matching layer, luminescent material layer, filter) integral with device or device enclosure or package) whereas the remaining method claims are deemed to

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belong to Class 438/22 (making device or circuit emissive of nonelectrical signal) since all the method claims relate to making device or circuit emissive of nonelectrical signal.

Additionally, the applicants additionally elect Species I and Subspecies C, both with traverse. Claims 1, 2, 10, 11, 12, 13, 14, 15, 16, 17 and 22 read on Species I, Subspecies C. The applicants traverse the requirement to elect Species and Subspecies on the grounds that no *prima facie* case of distinctiveness is set forth in the official action with respect to the alleged species. Moreover, alleged Subspecies A and B are generic.

The applicants believe that the application is in condition for allowance, and respectfully request such favorable action. If any matters remain outstanding in the application, the Examiner is respectfully invited to telephone the applicants' attorney at (650) 485-3015 so that these matters may be resolved.

Respectfully submitted,

Kee Siang Goh et al.

By: 

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Dated: 05/01/05

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